***THE HONOURABLE SRI JUSTICE P.S.NARAYANA**

+WRIT PETITION No.24335 of 2006

% 10-9-2007

Ayeshaunnisa.

...

Petitioner

VS.

$ The Regional Passport Officer,
Hyderabad, having office at
Secunderabad.

...Respondent

! COUNSEL FOR THE PETITIONER: Sri Moin Ahmed Quadri

^ COUNSEL FOR THE RESPONDENT:

< Gist :

> Head Note:

? CITATIONS:

1. 2005 (1) ALT 95

HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.24335 of 2006

Date: September 10, 2007

Between:
Ayeshaunnisa. …
Petitioner

And

The Regional Passport Officer,
Hyderabad, having office at
Secunderabad. …
Respondent

* * *

ORDER:

This Court ordered notice before admission on 22.11.2006. Heard Sri Moin Ahmed Quadri, counsel representing the petitioner.

2. The writ petition is filed for a writ of *Mandamus* directing the respondent to correct the date of birth of the petitioner in his passport vide passport No.A 6074335 issued on 13.8.1998, as 18.7.1982 instead of 18.7.1975 in accordance with the school record of the petitioner and pass such other suitable orders.

3. It is stated that the petitioner is a holder of passport bearing No.A6074335 issued on 13.8.1998. His actual date of birth is 18.7.1982. At the time of filling up of his application form, as he was minor, his uncle who was working as an agent in the passport office mentioned his date of birth as 18.7.1975 instead of 18.7.1982 saying that no passport would be issued to a minor. It is also stated that the petitioner never travelled on his passport and he was not aware of legal complications and how to correct the same. It is also stated that the petitioner had realized that the said mistake had to be corrected and his correct date of birth had to be mentioned in the passport in accordance with his educational record. It is also further stated that in order to get his date of birth corrected, he

approached the respondent on 10.11.2006 and tried to submit an application, but the respondent did not accept the same.

4. The learned counsel for the petitioner relied on a decision in **Mohd. Nasrullah Khan** V. **Regional Passport Officer**, **Hyderabad**[1] wherein at paras 4, 5 and 6 it was observed as hereunder:

> "In Ali Imran V. Regional Passport Officer, Secunderabad, I have considered the Circular dated 18.4.2001 issued by the Government of India in the Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No.1072 of 2000. The instructions/clarifications issued in the said Circular read as under.
>
> (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
>
> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
>
> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof,

the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

In view of the above clarifications, I disposed of the said case observing as under:

Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil Court.

In this case, the petitioner has produced Secondary School Certificate to prove that his correct date of birth is 1-4-1976. Therefore, the claim of the petitioner is well supported and squarely falls in Clause (a) of the Circular dt. 18.4.2001."

5. In the light of the Circular dated 18.4.2001 issued by the Government of India and the view expressed by this Court in the decision referred to supra, this Court is inclined to dispose of the writ petition with a direction to the respondent to receive application from the petitioner and consider the same in accordance with law, in the light of the circular referred to supra and also the decision specified above, within a period of four weeks from the date of receipt of this order.

6. Accordingly the writ petition is disposed of. No order as to costs.

_____

(P.S.NARAYANA, J.)

Date: September 10, 2007.

BSB

L.R. Copy to be marked

---

[1] 2005(1) ALT 95